

**INTERAGENCY AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
THE ARIZONA DEPARTMENT OF COMMERCE**

THIS AGREEMENT is entered into 1 AUGUST, 1996,
under the provisions of Arizona Revised Statutes Section 35-148, between agencies of
the STATE OF ARIZONA, to wit; the ARIZONA DEPARTMENT OF
TRANSPORTATION, acting by and through its INTERMODAL TRANSPORTATION
DIVISION (the "ADOT") and ARIZONA DEPARTMENT OF COMMERCE, acting by and
through its STRATEGIC FINANCE DIRECTOR (the "COMMERCE").

I. RECITALS

1. The ADOT is empowered by Arizona Revised Statutes Section 28-108 and 35-148 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the ADOT.

2. COMMERCE is empowered by Arizona Revised Statutes Section 41-1504 to enter into this agreement and has resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the COMMERCE.

3. The Arizona legislature, through senate bill 1248, a copy of which is attached hereto and made a part hereof, has appropriated \$750,000.00 for a border port management pilot project conducted in Arizona for federal agencies to utilize the services of Arizona's private and public sectors to eliminate any potential or existing procedural inefficiencies for a unified border port of entry test site at Nogales. The bill requires that monies shall be distributed by COMMERCE through interagency agreement to the ADOT.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>20922</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>08/01/96</u>
<u><i>Jane Lee Hull</i></u> Secretary of State
By <u><i>Vicky Greenwald</i></u>

II. SCOPE

1. The ADOT will:

- a. Invoice COMMERCE in the amount of \$750,000.00.
- b. Manage the project, and expend appropriated monies only in compliance with all of the following:
 - (i). The United States Congress or the United States customs service designates Nogales, Arizona as the test site for a unified border port management pilot project.
 - (ii). The monies are allocated to public or private suppliers of goods and services that have operations in Arizona.
 - (iii). The ADOT in coordination with the COMMERCE shall identify the goods and services that further the intent of the pilot project and maximize the federal monies available to perform the project.
 - (iv). In strict compliance with all State procurement laws, rules and regulations.

2. The COMMERCE will:

- a. Remit to ADOT via state service transfer the appropriated sum of \$750,000.00 within 30 days after receipt of an invoice.
- b. Cooperate with ADOT in carrying out the intent of the legislature as regards senate bill 1248.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party or other competent authority.
2. This agreement shall become effective upon execution by the parties hereto.
3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Department of Commerce
Strategic Finance Director
3800 N. Central Avenue Suite 1500
Phoenix, AZ 85012

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA

DEPARTMENT OF COMMERCE

DEPARTMENT OF TRANSPORTATION


By 
CAROL SANGER, Director
Strategic Finance

By 
JAY KLAGGE, Director
Transportation Planning

RESOLUTION

BE IT RESOLVED on this 29th day of May 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Arizona Department of Commerce for the purpose of defining responsibilities for the transfer of \$750,000.00 for Commerce to ADOT to conduct a Unified Port Management Study.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director Transportation Planning for approval and execution.


for LARRY S. BONINE
Director

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
First Regular Session
1995

CHAPTER 209

SENATE BILL 1248

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR NORTH AMERICAN FREE
TRADE AGREEMENT RELATED PROJECTS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Appropriation; purposes; conditions; exemption

A. The sum of \$925,000 is appropriated from the state general fund in
fiscal year 1995-1996 to the department of commerce for the following
purposes and in the following amounts:

1. \$750,000 for a border port management pilot project conducted in
Arizona for federal agencies to utilize the services of Arizona's private and
public sectors to eliminate any potential or existing procedural
inefficiencies for a unified border port of entry test site at Nogales.
Monies shall be distributed by the department of commerce through interagency
agreement to the department of transportation which shall manage the project
and which shall expend appropriated monies only in compliance with all of the
following:

(a) The United States Congress or the United States customs service
designates Nogales, Arizona as the test site for a unified border port
management pilot project.

(b) The monies are allocated to public or private suppliers of goods
and services that have operations in Arizona.

(c) The Arizona department of transportation in coordination with the
Arizona department of commerce shall identify the goods and services that
further the intent of the pilot project. The department of transportation
shall allocate monies from the appropriation in this paragraph to maximize
the federal monies available to perform the project.

1 2. \$25,000 for Arizona's share of the costs for the initiation phase
2 of establishing a major trade corridor among Mexico's Western States, the
3 Rocky Mountain States of the United States and Canada for the CANAMEX
4 multistate trade coalition. Monies shall be distributed to the governor
5 through interagency agreement for use by the governor's Mexican policy
6 advisor to pay for expenses directly related to the CANAMEX corridor.

7 3. \$150,000 for coordination among the various state agencies, border
8 communities and private commerce organizations to prepare funding requests
9 to meet infrastructure needs along the Arizona-Mexico border. Monies shall
10 be used by the department of commerce to hire and pay salary and travel
11 expenses for a full-time coordinator under the direction of the department.
12 The job responsibilities of the coordinator will be to coordinate Arizona's
13 efforts concerning the development of infrastructure in the Arizona-Sonora
14 border region, including serving as coordinator of the international border
15 development authority and as the coordinator for this state's border
16 environmental cooperation commission and north American development bank
17 outreach efforts.

18 B. The appropriations made in subsection A of this section are exempt
19 from the provisions of section 35-190, Arizona Revised Statutes, relating to
20 lapsing of appropriations.

APPROVED BY THE GOVERNOR APRIL 19, 1995

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 1995



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: 542-1680

Direct: 542-8837

Fax: 542-3646

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE: 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR96-1045-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 25th day of July, 1996.

GRANT WOODS
Attorney General

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
[43]